

Lord MACNAGHTEN.—Appropriation is proposed by the Act of 1890.

Mr. HALDANE.—Only by paying for them.

Mr. BLAKE.—No.

Mr. HALDANE.—I know what my friend has in his mind, and I have a distinct recollection of the question which the Lord Chancellor put. The Lord Chancellor said that it might be that at all events as to those schools which have been built out of rates which are contributed by the Roman Catholics, those have been taken. That is true, but my answer is that those never belonged to the Roman Catholics. It is quite true they were built out of rates that were levied on the community, except that what the Roman Catholics contributed for the building of those schools to those rates was applied to the building of Catholic schools, but they were not schools belonging to the Catholics. It was only that the rates which were a liability on the whole community, were in this case used for the building of Roman Catholic schools.

Mr. BLAKE.—No.

Mr. HALDANE.—I will go into that. My friend, I gather, dissents from that.

Mr. BLAKE.—I dissent entirely that the rates are levied on the whole community.

Mr. HALDANE.—I will go into that. The first thing I wish to ask your Lordships to bear in mind is the definition of the kind of interference which your lordships laid down on the last occasion. It is only one sentence of the judgment at page 157 :

“But then it is said that it is impossible for Roman Catholics, or for members of the Church of England (if their views are correctly represented by the Bishop of Rupert's Land, who has given evidence in Logan's case), to send their children to public schools where the education is not superintended and directed by the authorities of their church, and that, therefore, Roman Catholics and members of the Church of England who are taxed for public schools, and at the same time feel themselves compelled to support their own schools, are in a less favourable position than those who can take advantage of the free education provided by the Act of 1890. That may be so. But what right or privilege is violated or prejudicially affected by the law? It is not the law that is in fault; it is owing to religious convictions, which everybody must respect, and to the teaching of their church, that Roman Catholics and members of the Church of England find themselves unable to partake of advantages which the law offers to all alike. Their Lordships are sensible of the weight which must attach to the unanimous decision of the Supreme Court. They have anxiously considered the able and elaborate judgments by which that decision has been supported. But they are unable to agree with the opinion which the learned judges of the Supreme Court have expressed as to the rights and privileges of Roman Catholics in Manitoba at the time of union. They doubt whether it is permissible to refer to the course of legislation between 1871 and 1890, as a means of throwing light on the previous practice or on the construction of the saving clause in the Manitoba Act. They cannot assent to the view, which seems to be indicated by one of the members of the Supreme Court, that public schools under the Act of 1890 are in reality Protestant schools. The legislature has declared in so many words that the public schools shall be entirely unsectarian, and that principle is carried out throughout the Act. With the policy of the Act of 1890 their Lordships are not concerned. But they cannot help observing that, if the views of the respondents were to prevail, it would be extremely difficult for the provincial legislature, which has been entrusted with the exclusive power of making laws relating to education, to provide for the educational wants of the more sparsely inhabited districts of a country almost as large as Great Britain, and that the powers of the legislature, which on the face of the Act appear so large, would be limited to the useful but somewhat humble office of making regulations for the sanitary conditions of school-houses, imposing rates for the support of denominational schools, enforcing the compulsory attendance of scholars, and matters of that sort.”

Now, my Lords, that I start from. The Act of 1890, but for what may or may not be the effect of these immediate interpositions by the legislature between 1871 and 1890, is an Act which is unobjectionable. It infringes no right or privilege which existed at the union. It does not establish a denominational school system.

Lord SHAND.—That shuts you up to the question of what is the effect of those intermediate Acts.